

\*\*Original filed 3/22/06\*\*


NOT FOR CITATION  
 IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

|                       |   |                       |
|-----------------------|---|-----------------------|
| CRAIG GERSTNER,       | ) | No. C 05-2763 JF (PR) |
|                       | ) |                       |
| Plaintiff,            | ) | ORDER GRANTING        |
|                       | ) | MOTION TO PROCEED IN  |
| vs.                   | ) | FORMA PAUPERIS        |
|                       | ) |                       |
| J. WOODFORD, et. al., | ) |                       |
|                       | ) |                       |
| Defendants.           | ) |                       |
| _____                 | ) | (Docket No. 2)        |

Plaintiff's motion for leave to proceed in forma pauperis (docket no. 2) is GRANTED. The total filing fee that ultimately will be due is \$250.00. In view of plaintiff's lack of income and low account balance over the last six months, no initial partial filing fee is due. Funds for the filing fee will be taken from income to Plaintiff's account in accordance with 28 U.S.C. § 1915(B)(1). A copy of this Order and the attached instructions will be sent to Plaintiff, the prison trust account office, and the Court's financial office. The Court will review the complaint in a separate written order.

IT IS SO ORDERED.

DATED: 3/21/06

  
 JEREMY FOGEL  
 United States District Judge

1                                   **UNITED STATES DISTRICT COURT**  
2                                   **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

3                                   **INSTRUCTIONS FOR PAYMENT OF PRISONER'S FILING FEE**

4                   The prisoner shown as the plaintiff or petitioner on the attached order has filed a civil  
5                   action in forma pauperis in this court and owes to the court a filing fee. Pursuant to 28  
6                   U.S.C. § 1915, the fee is to be paid as follows:

7                   The initial partial filing fee listed on the attached order should be deducted by the  
8                   prison trust account office from the prisoner's trust account and forwarded to the  
9                   clerk of the court as the first installment payment on the filing fee. This amount is  
10                  twenty percent of the greater of (a) the average monthly deposits to the prisoner's  
11                  account for the 6-month period immediately preceding the filing of the  
12                  complaint/petition or (b) the average monthly balance in the prisoner's account for  
13                  the 6-month period immediately preceding the filing of the complaint/petition.

14                Thereafter, on a monthly basis, 20 percent of the preceding month's income  
15                credited to the prisoner's trust account should be deducted and forwarded to the  
16                court each time the amount in the account exceeds ten dollars (\$10.00). The prison  
17                trust account office should continue to do this until the filing fee has been paid in  
18                full.

19                If the prisoner does not have sufficient funds in his/her account to pay the initial partial  
20                filing fee, the prison trust account office should forward the available funds, and carry the  
21                balance forward each month until the amount is fully paid.

22                If the prisoner has filed more than one complaint, (s)he is required to pay a filing fee for  
23                each case. The trust account office should make the monthly calculations and payments  
24                for each case in which it receives an order granting in forma pauperis and these  
25                instructions.

26                **The prisoner's name and case number must be noted on each remittance.** The initial  
27                partial filing fee is due **within thirty days** of the date of the attached order. Checks  
28                should be made payable to Clerk, U.S. District Court and sent to Prisoner Accounts  
                  Receivable, U.S. District Court, 450 Golden Gate Avenue, Box 36060, San Francisco,  
                  CA 94102.

cc:     Plaintiff/Petitioner  
        Finance Office

1 This is to certify that on 3/22/06, a copy of this ruling  
2 was mailed to the following:

3 Craig Gerstner  
4 E-59690  
5 EW-228L  
6 CTF - Soledad  
7 P.O. Box 689  
8 Soledad, CA 93960-0689

9 CTF - Soledad  
10 Attn: Prisoner Trust Accounts  
11 P.O. Box 689  
12 Soledad, CA 93960-0689  
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